

HOUSE BILL 896

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11r0549

By: **Delegates Hixson, Barve, Dumais, Gutierrez, Hucker, Kaiser, Lee, Luedtke, A. Miller, Mizeur, Reznik, S. Robinson, and Zucker**
Introduced and read first time: February 11, 2011
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Inquiry into Immigration Status of Crime Victim or**
3 **Witness – Prohibition**

4 FOR the purpose of prohibiting an officer or agent of a State or local law enforcement
5 agency, in connection with the report, investigation, or prosecution of a criminal
6 violation of State or local law, from inquiring into the immigration status of an
7 individual who reports that the individual is a victim of the crime or is the
8 parent or guardian of a minor who is a victim of the crime or is a cooperating
9 witness in the investigation of the crime or the parent or guardian of a minor
10 who is a witness to the crime; providing that this Act does not prohibit a law
11 enforcement officer from inquiring into the immigration status of an individual
12 who is a victim or witness, or the parent or guardian of a minor who is a victim
13 or witness, under certain circumstances; defining a certain term; and generally
14 relating to criminal inquiries into the immigration status of an individual.

15 BY adding to

16 Article – Criminal Procedure
17 Section 11–206
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2010 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Criminal Procedure**

23 **11–206.**

24 **(A) IN THIS SECTION, “IMMIGRATION STATUS” MEANS:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) AN INDIVIDUAL'S STATUS WITH RESPECT TO THE**
2 **INDIVIDUAL'S UNITED STATES CITIZENSHIP OR CITIZENSHIP OF ANOTHER**
3 **COUNTRY;**

4 **(2) THE LEGAL RIGHT OF AN INDIVIDUAL TO RESIDE OR**
5 **OTHERWISE BE PRESENT IN THE UNITED STATES; AND**

6 **(3) THE TIME OR MANNER OF THE ENTRY BY AN INDIVIDUAL INTO**
7 **THE UNITED STATES.**

8 **(B) AN OFFICER OR AGENT OF A STATE OR LOCAL LAW ENFORCEMENT**
9 **AGENCY MAY NOT, IN CONNECTION WITH THE REPORT, INVESTIGATION, OR**
10 **PROSECUTION OF A CRIMINAL VIOLATION OF STATE OR LOCAL LAW, INQUIRE**
11 **INTO THE IMMIGRATION STATUS OF AN INDIVIDUAL WHO:**

12 **(1) REPORTS THAT THE INDIVIDUAL IS A VICTIM OF THE CRIME**
13 **OR IS THE PARENT OR GUARDIAN OF A MINOR WHO IS A VICTIM OF THE CRIME;**
14 **OR**

15 **(2) IS A COOPERATING WITNESS IN THE INVESTIGATION OF THE**
16 **CRIME OR IS THE PARENT OR GUARDIAN OF A MINOR WHO IS A WITNESS TO THE**
17 **CRIME.**

18 **(C) THIS SECTION DOES NOT PROHIBIT A LAW ENFORCEMENT OFFICER**
19 **FROM INQUIRING INTO THE IMMIGRATION STATUS OF AN INDIVIDUAL WHO IS A**
20 **VICTIM OR WITNESS, OR THE PARENT OR GUARDIAN OF A MINOR WHO IS A**
21 **VICTIM OR WITNESS, IF:**

22 **(1) THE INDIVIDUAL HAS BEEN ARRESTED OR CHARGED WITH, OR**
23 **IS BEING INVESTIGATED FOR, A CRIMINAL VIOLATION OF FEDERAL, STATE, OR**
24 **LOCAL LAW; OR**

25 **(2) THE INQUIRY IS REQUIRED BY FEDERAL LAW OR IS ESSENTIAL**
26 **TO THE INVESTIGATION OR PROSECUTION OF THE CRIME UNDER SUBSECTION**
27 **(B) OF THIS SECTION.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2011.